



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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REGISTERED MAIL

November 7, 2005

Washington State Department of Transportation
Northwest Region
Attn: Ben Brown
P.O. Box 3301310
Seattle, WA 98133-9710

RE: First Amendment of Water Quality Certification Order # 2474 (Corps # 20040024)

Dear Mr. Brown:

Ecology initiated a review for the need to amend the Water Quality Certification Order #2474 issued on June 17, 2005 for the SR 202, SR 520 to Sahalee Way NE roadway improvement project. This review focused on clarifying the meaning of when orange construction fencing should be placed around sensitive areas, including buffers (Condition E.3). We have reviewed the need for this amendment and determined it is necessary because the original condition is too open to interpretation. Enclosed is the amended Order # 2474.

All other conditions of Water Quality Certification Order # 2474 remain in effect. Any questions can be directed to the attention of Rebecca Ponzio, Federal Permit Manager – MAP Team at the Department of Ecology, Northwest Regional Office, 3190 - 160th Avenue SE, Bellevue, WA 98008 or she can be reached at 425-649-7181. The enclosed amended Order may be appealed by following the procedures described in the amended Order.

Sincerely,

Brenden McFarland
Section Manager
Environmental Review & Transportation Section

cc: Christina Martinez, WSDOT
John Maas, WSDOT
Ed Johnson, WSDOT

Jim Fraser, WDFW
Pat Klavas, WDFW
Kim Harper, Ecology



Jack Kennedy, Corps of Engineers	Bob Penhale, Ecology
Jerry Shervey, Ecology	Penny Keys, Ecology
John Bennett, WSDOT	

STATE OF WASHINGTON
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IN THE MATTER OF GRANTING)	ORDER # 2474
A WATER QUALITY)	1 st Amendment
CERTIFICATION TO)	Corps # 20040024
Washington Department of Transportation)	Widen SR 202 from MP
SR 202, SR 520 to Sahalee Way NE)	8.35 to MP 10.45, replace
)	2 bridges, construct 1 bridge,
)	improve 5 culverts, and
)	construct stormwater
)	facilities and a floodplain
)	mitigation site.

This amendment is issued under the provisions of Chapter 90.48 RCW and Chapter 173-201A WAC.

Administrative Order No. 2474 is hereby amended:

The amendment is as follows:

1. Condition that reads:
 - E.3. "The project will be clearly marked/staked prior to construction. Clearing limits, travel corridors and stockpiles sites shall be clearly marked. Sensitive areas, buffers, and wetlands that are to be protected from disturbance shall be marked with orange construction fencing so as to be clearly visible to equipment operators. Equipment shall enter and operate only within the delineated clearing limits, corridors and stockpiles areas."

Is replaced as follows:

- E.3. "Within the project limits, the Applicant shall mark all clearing limits that occur within 500 feet or less of sensitive aquatic areas, including buffers, with highly visible construction fence prior to beginning clearing or other construction activities in that area. Equipment shall enter and operate only within the delineated clearing zones, corridors, and stockpile areas."

No other conditions or requirements of the above-mentioned order are affected by this amendment. Failure to comply with the conditions of this amendment and Order # 2474 may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this amendment and Order # 2474.

Appeal Process:

You have the right to appeal this amended Order to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this amended Order, your notice of appeal must contain a copy of the Ecology Order you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE, Rowe Six, Bldg. 2
P.O. Box 40903
Lacey, Washington 98504-0903

Your appeal must also be served on:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, Washington 98504-7608.

In addition, please send a copy of your appeal to:

Loree' Randall
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

*For additional information: Environmental Hearings Office Website:
<http://www.eho.wa.gov>*

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

Dated Nov 7, 2005 at Olympia, Washington



Brenden McFarland, Section Manager
Environmental Review & Transportation Section
Shorelands and Environmental Assistance Program